

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

DIMITRIUS GEORGE GIBSON,)	
)	
Plaintiff,)	
)	
v.)	No. 24-CV-230-JFH-JAR
)	
KELLI LEMKE, et al.,)	
)	
Defendants.)	

OPINION AND ORDER

On August 2, 2024, the Court entered an Opinion and Order directing Plaintiff to file an amended complaint. (Dkt. 6). The Order dismissed the following five defendants as improper: Oklahoma Department of Corrections, Johnson & Johnson, Howard McLeod Medical Facility, Holdenville Correctional Facility, and Howard McLeod Correctional Center. *Id.* at 6. Plaintiff was directed to file an amended complaint and was specifically advised that he could not name the dismissed defendants in the amended complaint. *Id.* at 5.

Plaintiff failed to follow the instructions and has named the five dismissed defendants in the amended complaint. (Dkt. 7 at 4, 9). Plaintiff also failed to follow the Court's directions to list all the defendants in the caption on the first page of the amended complaint, as well as in the body of the amended complaint. (Dkt. 6 at 4). Further, the amended complaint does not specifically allege "who is alleged to have done *what to whom*." *Id.* at 5 (emphasis in original).

Because Plaintiff's amended complaint does not comply with the Court's instructions, it is hereby STRICKEN. Plaintiff is granted twenty-one (21) days to file a proper second amended complaint that complies with the directions in the Court's Opinion and Order of August 2, 2024, and in this Opinion and Order. The second amended complaint may not include the

five dismissed defendants. Failure to comply with this Opinion and Order will result in dismissal of this case without prejudice and without further notice. The Court Clerk is directed to send Gibson a form for filing a second amended complaint.

ACCORDINGLY:

- Plaintiff's amended complaint (Dkt. 7) is STRICKEN for Plaintiff's failure to follow the Court's instructions for filing an amended complaint (Dkt. 6).

- Within twenty-one (21) days, Plaintiff must file a second amended civil rights complaint on the Court's form as directed in this Opinion and Order and the Court's August 2, 2024 Opinion and Order.

- The Court Clerk shall send Plaintiff a copy of the form for filing a second amended civil rights complaint in this Court.

- Failure to comply with this Order will result in dismissal of this action without further notice.

IT IS SO ORDERED this 26th day of August 2024.



JASON A. ROBERTSON
United States Magistrate Judge
Eastern District of Oklahoma